

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 29, 2005

DIVISION ONE

B182021 Patricia D. (Not for Publication)
v.
S.C.L.A
DCFS (rpi)

The petition is denied.

Rothschild, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B177600	Bonnie Brae Equities, LLC et al. v. Union Place Partners, LLC et al.	(Not for Publication)
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Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO

B172744 Tamraz (Not for Publication)
v.
Tamraz

The judgment is affirmed. Respondent(s) to recover costs.

Doi Todd, J.

We concur: Boren, P.J.
Nott, J. (Assigned)

June 29, 2005 (Continued)

DIVISION TWO (Continued)

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Nott, J. (Assigned)

B178454 Gilmore (Not for Publication)
v.
O'Connor

The judgment is reversed. Respondent is ordered to bear appellant's costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B174156 People (Not for Publication)
v.
Gutierrez

We order the abstract of judgment modified to reflect a \$5,000 restitution fine (1202.4, subd.(b)). The parole revocation fine, the "\$5,000 penalty assessment," and the five-year section 667, subdivision (a)(1) enhancement are ordered stricken. The clerk of the superior court is ordered to prepare a corrected abstract of judgment and to forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FOUR

B175717 People (Not for Publication)
v.
Zuniga

The judgment is affirmed and the case is remanded to the trial court for correction of the abstract of judgment entered on May 26, 2004 in case No. TA035069 to reflect that appellant was convicted by plea on December 23, 2002 on count three, receiving stolen property, in violation of Penal Code section 496, subdivision (a).

Epstein, P.J.

We concur: Hastings, J.
Willhite, J.

B177946 People (Not for Publication)
v.
Wallace

The judgment is affirmed.

Curry, J.

We concur: Hastings, Acting P.J.
Willhite, J.

B180668 People (Not for Publication)
v.
Barnes

The judgment is affirmed.

Epstein, P.J.

We concur: Hastings, J.
Willhite, J. (Opinion)

June 29, 2005 (Continued)

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Curry, J.

B175777 People
v.
Johnston

Filed order denying petition for rehearing.

DIVISION FIVE

B178063 Friends of Temescal Canyon Inc. (Not for Publication)
v.
City of Los Angeles
Young Men's Christian Association of Metropolitan Los Angeles et al.

The judgment is affirmed. The City of Los Angeles, the Young Men's Christian Association of Metropolitan Los Angeles, and the Santa Monica Mountains Conservancy are to recover their costs on appeal from Friends of Temescal Canyon, Inc.

Kriegler, J.

We concur: Armstrong, Acting P.J.
 Mosk, J.

DIVISION FIVE (Continued)

B178996 Wagner Const. Co. (Not for Publication)
 v.
 Pacific Mechanical Corporation

The order denying the petition to compel arbitration is affirmed.
Defendant, Pacific Mechanical Corporation is awarded its costs on appeal
from plaintiff, Wagner Construction Company.

Turner, P.J.

I concur: Armstrong, J.
I dissent: Mosk, J. (Opinion)

B179685 People (Not for Publication)
 v.
 Wesley Z.

The judgment is affirmed.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

B170367 Phillip Arno (Partial Publication)
 v.
 Helinet Corporation etc et al.

The judgment is affirmed. The parties will bear their own costs on appeal.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION FIVE (Continued)

B182464 County of Los Angeles et al (Certified for Publication)

v.

Superior Court, Los Angeles County

(Union of American Physicians and Dentists et al., r.p.i.)

The petition for writ of mandate is granted. A peremptory writ shall issue ordering respondent court to vacate its order of April 7, 2005, granting in part Dr. Owens's motion to compel compliance with the deposition subpoena, and enter a new and different order denying the motion as to documents 3, 4, 26 and 27. Costs of this proceeding are awarded to petitioners.

Mosk, J.

We concur: Turner, P.J.
Armstrong, J.

DIVISION SIX

B172324 Gonzales et al., (Not for Publication)

v.

Morbank, Inc., et al.,

The judgment is affirmed. Costs are awarded to respondents.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

B168013 Bashkin

v.

Blase, et al.,

Filed order denying petition for rehearing.

June 29, 2005 (Continued)

DIVISION SIX (Continued)

B177724 People (Not for Publication)
v.
Steed

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B175050 People (Not for Publication)
v.
Ambriz

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B175460 People (Not for Publication)
v.
Moore

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B159344 Bashkin
v.
Blase, etc., et al.,

Filed order denying petition for rehearing.

June 29, 2005 (Continued)

DIVISION EIGHT

Court convened at 9:02 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

Each of the following:

B175344	People v. Grizzelle
B176008	People v. Scott
B176484	People v. Gonzalez
B176946	In re Marriage of Jones; Jones v. Jones
B177126	DCFS v. Ernest S.
B174142	People v. Moreno
B180055	DCFS v. Jose C.
B171712	People v. Castro & Hansen
B176766	People v. Small
B177519	People v. Davis
B181832	Tanis R. v. SCLA (DCFS)
B172908	DVPC, Inc. v. DVT 3000, Inc.

Argument waived, cause submitted.

Each of the following:

B176654	Coapstick v. Kaiser Foundation Hospitals et al.
B172572	Compton Unified School District v. King
B181214	Rayyis v. Superior Court, Los Angeles County (The People, r.p.i.)
B174111	Turner v. Aon Corporation

Oral argument continued to July 28, 2005.

B173761	Zamudio
	v.
	County Of Los Angeles

Oral argument continued to July 29, 2005.

DIVISION EIGHT (Continued)

B168079 Lee Eddins
 v.
 Sumner Redstone et al.

Oral argument has been continued to September 26, 2005.

B171917 People
 v.
 Arias

Merits:
Argued by Jonathan P. Milberg for appellant and by William H. Davis, Jr.,
Deputy Attorney General for respondent. Cause submitted.

B178228 In re Andres Saldana
 On
 Habeas Corpus

Merits:
Argued by Jennevee H. De Guzman for petitioner and by Carl N. Henry,
Deputy Attorney General for respondent. Cause submitted.

B176666 Sears, Roebuck and Company,
 v.
 Mousseau

Merits:
Argued by Geoffrey Mousseau for appellant and by Craig Sears for
respondent. Cause submitted.

Flier, J. leaves the bench.

DIVISION EIGHT (Continued)

B173944 In re Arlene Reed Living Trust
 Taylor
 v.
 RineJohn; Hartford Fire Insurance Company

Merits:

Argued by Johnny B. Taylor, appellant in propria persona and by Robert D. Schwartz and Jesse S. Hernandez for respondents. Cause submitted.

B174844 Essex Insurance Company
 v.
 Ramirez et al.

Merits:

Argued by Frank X. Dipolito for appellant and by Mark A. Rodriguez for respondents. Cause submitted.

Court recessed at 10:40 a.m.

Court reconvened at 1:00 p.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

B180087 People
 v.
 Jackson

Merits:

Argued by Richard Fitzer for appellant and by William H. Shin, Deputy Attorney General for appellant. Cause submitted.

B175320 Lopez
 v.
 Hartt

Merits:

Argued by Ronald M. LaBran for appellant and by Donna Bader for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B174094 Jitner
 v.
 Amiri et al.

Merits:
Argued by Harry Zavos for appellant and by Donald A. Gralla and Harry W. R. Chamberlain, II for respondents. Cause submitted.

B172366 Prieto
 v.
 Loyola Marymount University

Merits:
Argued by Steven G. Cohn for appellant and by Bethany A. Pelliconi for respondent. Cause submitted.

B178576 Rosenthal,
 v.
 Lieber

Argument continued to June 30, 2005, at 9:00 a.m.

Rubin, J. leaves the bench.

B174674 Trancas Property Owners Association
 v.
 City Of Malibu et al.

Merits:
Argued by John M. Bowman for appellant and by Christi Hogin and Barry R. Levy for respondents. Cause submitted.

Boland, J. leaves the bench.

Rubin, J. returns to the bench.

DIVISION EIGHT (Continued)

B173987 The Foundation For Taxpayer & Consumer Rights, et al.
 v.
 State of California, et al.

Merits:

Argued by Stephen Lew, Deputy Attorney General, Douglas L. Hallett and
Kent R. Keller for appellants and by Pamela Pressley and Michael J.
Strumwasser for respondents. Cause submitted.

B176461 The Foundation For Taxpayer & Consumer Rights
 v.
 Mercury Insurance Group

Merits:

Argued by Joseph B. Miller for appellant and by Pamela Pressley for
respondent. Cause submitted.

Court adjourned at 5:11 p.m.

B175180 Robert H. Tourtelot Not for Publication)
 v.
 Gordon Group Holdings et al.,

The order denying GKLP its attorney fees is reversed. The case is
remanded to the trial court for a hearing to determine the amount of
attorneys, if any, appellant is entitled to receive on the breach of fiduciary
duty cause of action. Both parties to bear their own costs on appeal.

Cooper, P.J.

We concur: Boland, J.
 Flier, J.

June 29, 2005 (Continued)

DIVISION EIGHT (Continued)

B173762 People (Not for Publication)
v.
Michael Jiels Morrow et al.,

The judgment with respect to appellant Douglas is affirmed. The judgment with respect to appellant Morrow is modified to provide for presentence custody credit of 215 actual days and 32 days conduct credit, totaling 247 days, and as so modified is affirmed. The trial court shall prepare and transmit to the Department of Corrections an amended abstract of judgment reflecting the modification.

Cooper, P.J.

We concur: Boland, J.
Flier, J.

B173011 Jose Aleman (Not for Publication)
v.
Cencal Insurance Services, Inc.,

The judgment is affirmed. Respondent is to recover its costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.
Boland, J.

B173051 People
v.
Carl Aubray Lowry

Filed order vacating submission order of March 25, 2005, to allow for additional briefing.